

Virginia Brownfields Conference

Hampton

March 1, 2012

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Special Thanks

- To all those who agreed to speak and volunteered their time developing presentations and talks (and showing up today)
- A special thanks the **City of Hampton** and Joel Almquist for hosting this event and **REMSA** and Dennis Papa for sponsoring lunch, for **Kimley Horn** and Ken Dirks & Michelle Wharton and **SCS Engineers** and Mike McLaughlin for sponsoring coffee and **Environmental Alliance** and Jim Bernard for sponsoring our lunch speaker, John Quarstein
- And thanks to Marilee Tretina of DEQ for helping to get everything together and keeping us on track

Program Agenda

- Brownfields Grants by NJIT
- Mold
- Money
- Subslab Depressurization
- Landfill Redevelopment
- Lunch – Fort Monroe: Freedom's Fortress
- Brownfields Site Prioritization
- Dewatering
- Development of playgrounds on contaminated site
- Contaminated Property Transactions
- EPA Brownfields Update & DEQ Updates
- Wrap up

Brownfields...?

The Holistic Environmental Approach to Redevelopment?

- Results driven with solutions for the intended reuse
- Revitalization projects with an environmental component
- Cleanup is just one piece of the puzzle and if the economics don't work, the project is likely to fail
- The old model paradigm is dead... the only way to achieve results on these sites is for all parties to work together...
- Need to bring together the parties to work as a team toward revitalization of the site
- A successful brownfields project will likely lead to other revitalization projects, opportunities for grants, etc
- We should be learning from what you have to say and your questions too...

VIRGINIA SUMMARY

Brownfields & VRP Work
Completed Over the Last Year

Lee County, Virginia

- Cumberland Gap...Daniel Boone...Coonskin Cap...
- The farthest county in all of Region 3 from Philadelphia
- Western Lee County is west of Detroit Michigan and closer to Detroit than Philadelphia
- Closer to capitals of 10 other states than Richmond
- So far west the sun sets 30 minutes later...
- Stone Creek Tipple Site Project began mid 2000s with several starts and stops but is now on its way to completion



Stone Creek Tipple Site

January 2008



Stone Creek Tipple Site

September 2010



March 2012 - Site Grading for cover begins
June 2012 - Outdoor Class Room

Take Away Point

- Finally paying off with groundbreaking this month and completion in June 2012
- As much as we would like to see immediate results, it often takes years for brownfield sites to gain the momentum needed to complete revitalization
- These sites did not become distressed properties overnight and cannot be cleaned up and redeveloped overnight



Hammond Rail Tie Pile

Mid 80s to 2012

RIP

In 2011 after several years of renewed efforts to find a solution, Norfolk Southern Corporation voluntarily offered to remove and transport all ties to an approved disposal facility

January 2012
The Rail Ties
are GONE
2 million ties
used for
energy
recovery



Industrial Property with
Rail Access available for
Revitalization

Contact Radford

Program Accomplishments

over the last year

- 20 BFPP/Comfort Letters issues for site purchases
- 18 New VRP sites
- 20 VRP Certificates issued for a total of 233 closed
- 150 sites actively enrolled
- 8 SSAs contracted with local governments
- 12 Virginia Brownfields Assistance Fund grants awarded to local governments
- Over a dozen outreach events including Brownfields 2011 in Philadelphia, two conferences in Virginia, outreach with VEDP, HUD, consultants, cities, organizations, etc

Examples of Work Underway & Recently Completed

Participants

- Potomac Yard Properties
- Fortune 500 Companies
- City of Alexandria
- City of Richmond
- Developers
- Strip Mall Owners
- Manufacturers
- VDOT
- Carilion - Roanoke

Types & Future Uses

- New River Rail Trail – Austinville Lead Mines
- Condos
- University property
- Roadway
- Industrial reuse
- Soccer fields and high use recreational purposes
- Hospitals

Brownfields are often located in our older core city areas & these properties can be key to revitalization efforts



Brownfields – the definition

- "Brownfield" means real property; the expansion, redevelopment, or reuse of which may be complicated by the **presence** or **potential presence** of a hazardous substance, pollutant, or contaminant.

§ 10.1-1231. Brownfield Restoration and Land Renewal Policy and Programs

It shall be the **policy** of the **Commonwealth** to **encourage remediation and restoration of brownfields by removing barriers and providing incentives and assistance whenever possible**. The Department of Environmental Quality and the Economic Development Partnership and other appropriate agencies shall establish policies and programs to implement these policies, including a Voluntary Remediation Program, the Brownfields Restoration and Redevelopment Fund, and other measures as may be appropriate.

Virginia Brownfields Assistance Fund

- 10.1-1237. Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund established in 2002
- \$1M place budgeted for the fund in 2011
- \$0.5 M awarded to 12 localities and work has begun
- Accepting applications for this year's grants now...
- <http://www.virginiaallies.org/brownfield.html>

Dry Cleaners

- Significant portion of VRP workload (approx 43% currently)
- Numbers enrolling continues to increase
- With increase emphasis on Vapor Intrusion we have accepted alternative mitigation such as subslab depressurization systems
- Developed the *Accelerated Dry Cleaner Remediation Process Manual* in an attempt to speed up site characterization and ultimately closure of the site.
- State Coalition for Remediation of Drycleaners for additional cleanup information. <http://www.drycleancoalition.org/>
- Funded through EPA Office of Innovative Technologies
- Drycleaner Site Profiles – searching for a few good profiles (currently at 189)

State of Off-Site Vapor Intrusion Evaluations in Virginia VRP

- Stakeholder Meeting- August, 2011:
 - VDEQ solicited feedback on using “bright lines” to trigger off-site VI investigations
- Comments Taken From September-December, 2011
 - Strong resistance to use of bright line approach
 - Many stakeholders requested comprehensive site characterization guidance
- Recommendations Moving Forward:
 - Maintain site specific approach
 - Institute meetings upon entry to VRP with Participants and consultants to set expectations
 - Release site characterization checklist
 - Begin planning outreach event to inform stakeholders about site characterization requirements and risk assessment guidance

Risk Based Decision-Making Soil/Debris Management

- Developing regulatory alternatives to the definition of solid waste as it applies to contaminated debris and media in order to better facilitate its use as a recoverable material.
- Internal committee reviewed other examples and drafted a process
- Will be contacting interested stakeholders in the future for further input and development
- May take regulatory change with variance during interim
- Should be a tremendous benefit to Brownfields redevelopment projects

Pre-Regulatory Landfills & Brownfields/VRP

- Can a pre-reg landfill be a brownfield? *Sure*
- Does DEQ have a policy or guidance on how to deal with these sites? *No*
- If a party has a closed pre-reg landfill property that has the potential for reuse, revitalization or other changes how should they approach DEQ? *These sites usually have unique situations and therefore will be handled on case by case basis. A suggested first step would be set up a meeting with the brownfields office or the regional waste compliance manager regarding the proposal and what is known about the property and environmental conditions.*

HUD – Chapter 9 Environmental Review

- Effective September 18, 2009
- Requires Phase I ESA in accordance with ASTM E-1527-05
- Phase I ESA must include an initial vapor intrusion screen per ASTM E2600 – 08 “Standard Practice for Assessment of Vapor Intrusion into Structures on Property Involved in Real Estate Transactions”
- May require Phase II ESA in accordance with ASTM E 1903

Chapter 9 *continued*

- If conditions indicate contamination is above de minimis or a tiered screening level one then additional requirements may apply
- Remediation plans
- Approval by LSTF authority
- Allows RBCA, Institutional & Engineering Controls, Vapor mitigation systems, MNA, etc
- Can move forward with a conceptual remedial action work plan
- **Recommendation:** Resolve these issues as soon as possible to prevent delay in the project

Bona Fide Prospective Purchaser

- BFPP – Brownfields Summary Form
- All Appropriate Inquiry with Phase I ESA in accordance with ASTM E-1527-05
- Self implementing program as it is set up with the EPA
- In Virginia, to help facilitate redevelopment we will issue a BFPP status letter as a form of a comfort letter
- Phase II ESA may be needed
- DEQ staff review of submitted data along with agency records should help eliminate pitfalls for a buyer
- Also provide Lender Liability Letters and Contiguous Property Owner Letters
- Does NOT eliminate the need for “Appropriate Care”

DEQ FOIA

Phase I & II

- DEQ website and click on the Regional Office link, then click on the Regional Office where the site is located, then click on the FOIA link
- Requests can be submitted to the TRO by e-mail at trofoias@deq.virginia.gov
- By mail at:

Virginia DEQ

Tidewater Regional Office

Attn: FOIA Coordinator

5636 Southern Blvd.

Virginia Beach, VA 23462

- Markets Industrial Sites – Heavy Infrastructure
- Promotes Brownfield Sites through VirginiaScan – VEDP's Searchable Property Database
- Partnership with DEQ
 - Grant Programs – VBAF
 - Developed DEQ's Searchable Property Database

Community Involvement

- Can be critical to the success of remediation projects especially for public projects
- Requires communication with community representatives early and often
- TRUST: Can be difficult to achieve without early involvement and even harder to regain once lost
- Disaffected communities have numerous options available to slow or halt remediation/ revitalization efforts
- Cleanups at sites with effectively engaged communities run more smoothly and have fewer problems on the “back end” of projects

Community Gardening on Brownfields

- ASTSWMO focus group to provide a resource to state officials due to the increasing use of intercity property for urban gardening
- Provide a toolbox for states to “personalize” the document to fit state’s regulations, zoning and other unique factors
- Completion date – Spring 2012
- Next project - ?

Virginia Brownfields E-mail List

- E-mail list with periodic information on issues which affect the Brownfields community
- If you are interested in getting on this list, please contact me and I will include you in the next mailing

That's All Folks!

Thank you

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Brownfields Website

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VRP Website

